



MINUTES
BOARD OF SELECTMEN
IN BOARD OF SELECTMEN
12/20/2011
6th FLOOR HEARING ROOM

Present:

ANNOUNCEMENTS

Selectmen to announce recent and/or upcoming Events of Community Interest.

No meeting on Tuesday December 27 and January 3

SELECTMEN UPDATES

Reports by individual Selectmen on activities related to carrying out the responsibilities of the Board.

PUBLIC COMMENT

Public Comment period for citizens who requested to speak to the Board regarding Town issues not on the Calendar.

MISCELLANEOUS

Approval of miscellaneous items pgs. licenses, vouchers, and contracts.

[PUBLIC SAFETY PERSONNEL](#)

[Question of authorizing the filling of the following vacancies in the Public Safety Office:](#)

[Public Safety Dispatch Supervisor](#)
[E911 Dispatcher](#)

Chief o'LEARY stated that sadly the former employee pass away. In the interim a temporary position was filled, both public safety officials have approved the permanent position to the employee.

Voted to approve Question of authorizing the filling of the following vacancies in the Public Safety Office:

Public Safety Dispatch Supervisor
E911 Dispatcher

Aye: Betsy DeWitt, Nancy Daly, Jesse Mermell, Richard Benka, Kenneth Goldstein

Commissioner Shepard stated that he is thankful to have Mr. Guilgli in his position. The position that is available has been vacant for some time he has decided that the town would be best suited to have a Chief Building Inspector instead of a Deputy Building Commissioner. The Commissioner has been providing the duties with no additional cost to the Town. It is an important position in the Town. The Selectman

acknowledged that he has been performing two jobs for some time and expressed their appreciation.

Voted to approve Question of authorizing the filling of the following vacancies in the Public Safety Office:

Public Safety Dispatch Supervisor
E911 Dispatcher

Aye: Betsy DeWitt, Nancy Daly, Jesse Mermell, Richard Benka, Kenneth Goldstein

BUILDING DEPARTMENT - PERSONNEL

Question of authorizing the filling of a vacancy in the position of Chief Building Inspector (T-10) in the Building Department.

RECREATION DEPARTMENT - PERSONNEL

Question of authorizing the filling of a vacancy in the position of Golf Operations Mgr/Head Professional (T-8) at the Golf Course.

Lisa Paradise stated that Brian Bain has been offered a position by the PGA in a regional manager aspect. She is pleased with his success. This new position will combine two vacant positions.

Voted to approve Question of authorizing the filling of a vacancy in the position of Golf Operations Mgr/Head Professional (T-8) at the Golf Course.

Aye: Betsy DeWitt, Nancy Daly, Jesse Mermell, Richard Benka, Kenneth Goldstein

BEAVER COUNTRY DAY - PILOT/LICENSE AGREEMENTS

Question of approving and executing a PILOT and Licensing Agreements with Beaver Country Day School.

Steve Cirillo stated that the agreement involves three organizations, the Beaver County Day, Parks and Recreation.

get Steve's handout Charles Campion, 284 Dean rd stated that the Town staff did a great job, and he is excited to enter this deal with the TOB, there has been an excellent relationship with the public safety and the field use, Brookline is a town with a limited amount of land it is important to share the field. Peter Hutton 333 woodland rd Brookline terrific relationship with the town in his 20 years with Beaver very positive. School growing and first private school to enter into a pilot with Brookline they are glad to be here.

Lisa stated that it has been a pleasant process, enjoyed a shared use of fields, their fields are as important to them as ours are to us.

Nancy stated that she is not happy about this because the town use of the fields if we are going to turn over two fields of the town to a private entity, there is a highly competitive environment to get use of these fields. The sole field is assessable and also a field that we got money to put turf on the field, and it is not fair to turn this field over to Beaver Country Day school, before we take town fields and turn them over to a private entity should be discussed on a broader public meeting. Lisa stated that the High school has not used these fields in years, their preference is to use Downes field and Cypress, this usage has been in existence for 15 plus years and Beaver uses them at a time when Brookline does not use them and we use them when they don't need them, in this sense there has not been a loss of the fields at the times when Beaver uses them. Jesse fast forward ten years when the high school may need them. Lisa there is an opt out in year 6 and 12, a clause that if there is significance weather related or

construction or another need we would find other placement for their field use at the time. Ken travel soccer private fund raising surprised that travel soccer does not want to use that field on these times. They use them Monday -Friday 5:30 and after. They are aware of the use and this agreement and have no issues with it, they have been co-existing there for some time. Nancy within the last ten years the girls lacrosse had to be rerouted, Lisa at noway have we limited their use school usage at all the field is the top priority. Dick can the Town revoke the license agreement. Steve the revokable license can be revoked by BOS at anytime. if it is revoked the school has the option to opt out of the pilot program. Dick where does it state this is a revokable license, Steve understands that the BOS has that right at anytime. Robert Allen representing Beaver Country Day replied that this agreement did not start as a revokable license, it was Town counsel's suggestion. His understanding is that the BOS can revoke at anytime. This was the understanding at the time of the drafting of the agreement. Dick wants to make sure it is everyone's understanding that the town teams and school teams have a need for the field that Town could terminate the agreement Bobby a year to year license, he is glad to look at any language. Dick a win-win agreement parties have found a will re word. Bobby something of where we were then that where we are now Steve remarkable how willing Beaver has stepped up to participate. Not only for the cooperation over time Beaver is a good citizen. Steve will work on language subject to approval by Town counsel. Dick everyone has come here in good faith, no need for everyone to return for the vote.

Selectman Daly would like to hold this vote.

LODGING HOUSE RENEWALS

[Question of approving Lodging House Renewals for 2012.](#)

Betsy all on condition on final report by fire department 2 condition payment of late fee and additional taxes, one not vote for renewal at this time due to health code issues.

Voted to approve Question of approving Lodging House Renewals for 2012.

Aye: Betsy DeWitt, Nancy Daly, Jesse Mermell, Richard Benka, Kenneth Goldstein

Attorney representing met with all papers are in order

Betsy staff person that is fluent in English available. part of conditions

Voted to approve Question of approving Lodging House Renewals for 2012.

Aye: Betsy DeWitt, Nancy Daly, Jesse Mermell, Richard Benka, Kenneth Goldstein

FOOD VENDOR LICENSE

[Question of approving the application of Yang Cheng, Inc., d/b/a Yummy House Restaurant, Hang Tat Leung, Owner for a Food Vendor License at 1391 Beacon Street.](#)

Voted to approve Question of approving the application of Yang Cheng, Inc., d/b/a Yummy House Restaurant, Hang Tat Leung, Owner for a Food Vendor License at 1391 Beacon Street.

Aye: Betsy DeWitt, Nancy Daly, Jesse Mermell, Richard Benka, Kenneth Goldstein

ALL KINDS OF ALCOHOL SEASONAL COMMON VICTUALLER LICENSE

[Question of approving the application of Grill on the Green, Inc., d/b/a VineRipe Grill, Lisa Wisel, Owner for a Seasonal All Kinds of Alcoholic beverages license as a Common Victualler at 1281 West Roxbury Parkway.](#)

Betsy Wiezels accepted with a liquor license because it is a seasonal operation they

forfeited full liquor license for a seasonal one. Bobby Allen the return of the liquor license adds to the liquor licenses inventory the seasonal license stay with the location, this is part of the agreement. He noted that they sent out over 200 notices to neighbors. The only changes are the opportunity to have a full liquor license. This is another opportunity for this establishment to succeed.

Voted to approve Question of approving the application of Grill on the Green, Inc., d/b/a VineRipe Grill, Lisa Wisel, Owner for a Seasonal All Kinds of Alcoholic beverages license as a Common Victualler at 1281 West Roxbury Parkway.

Aye: Betsy DeWitt, Nancy Daly, Jesse Mermell, Richard Benka, Kenneth Goldstein

WINE/MALT COMMON VICTUALLER - TRANSFER

Continued Public Hearing on the application of Ginga Japanese Restaurant, Inc. d/b/a Ginga Japanese Restaurant, Jason Lenh Owner, holder of a Wine & Malt beverages license as a Common Victualler at 1393 Beacon Street, for a transfer of said license to CF Restaurant, Inc., d/b/a U Sushi, Fan Lin, President, Stella Sun, Manager. Said license to be issued at a time to be determined by the Selectmen's Office and to be exercised at the present location and the same business to be carried on as heretofore.

a. Question of approving the application of CF Restaurant, Inc. d/b/a U Sushi Fan Lin, President, Stella Sun, Manager for a Common Victualler License at 1393 Beacon Street. Said license to be issued at a time to be determined by the Selectmen's Office.

b. Question of approving the application of CF Restaurant, Inc. d/b/a U Sushi San Lin, President Stella Sun, Manager for an Entertainment License to include a Radio at 1393 Beacon Street. Said license to be issued at a time to be determined by the Selectmen's Office.

Ka yung Wong representing the applicant stated that they have previously filed an application but there was issues regarding the managers language skills with concerns about the ability to interact with the public. A new manager is proposed, Stella Sun, she is a server certified. M

Voted to approve Continued Public Hearing on the application of Ginga Japanese Restaurant, Inc. d/b/a Ginga Japanese Restaurant, Jason Lenh Owner, holder of a Wine & Malt beverages license as a Common Victualler at 1393 Beacon Street, for a transfer of said license to CF Restaurant, Inc., d/b/a U Sushi, Fan Lin, President, Stella Sun, Manager. Said license to be issued at a time to be determined by the Selectmen's Office and to be exercised at the present location and the same business to be carried on as heretofore.

a. Question of approving the application of CF Restaurant, Inc. d/b/a U Sushi Fan Lin, President, Stella Sun, Manager for a Common Victualler License at 1393 Beacon Street. Said license to be issued at a time to be determined by the Selectmen's Office.

b. Question of approving the application of CF Restaurant, Inc. d/b/a U Sushi San Lin, President Stella Sun, Manager for an Entertainment License to include a Radio at 1393 Beacon Street. Said license to be issued at a time to be determined by the Selectmen's Office.

Aye: Betsy DeWitt, Nancy Daly, Jesse Mermell, Richard Benka, Kenneth Goldstein

HOUSING TRUST FUND

Question of approving the allocation of Housing Trust Funds to the Brookline Improvement Coalition for the purchase of a condominium unit.

BOARDS AND COMMISSIONS - APPOINTMENTS

Question of making appointments to the following Boards/Commissions:

Brookline Access Television
Naming Committee (Alternate)

Voted to approve Question of making appointments to the following
Boards/Commissions:

Brookline Access Television
Naming Committee (Alternate)

Aye: Betsy DeWitt, Nancy Daly, Jesse Mermell, Richard Benka, Kenneth Goldstein

MISCELLANEOUS

Question of approving the minutes of December 13, 2011.

Voted to approve 16. Question of approving the minutes of December 13, 2011.

Aye: Betsy DeWitt, Nancy Daly, Jesse Mermell, Richard Benka, Kenneth Goldstein

Question of accepting a donation in the amount of \$250 from the Brookline Rotary Club for the Martin Luther King Celebration.

Rita McNally representing the Brookline Rotary stated that they have given 250 dollars for the MLK celebration. The celebration will include singers, speakers and other events.

Voted to approve 17. Question of accepting a donation in the amount of \$250 from the Brookline Rotary Club for the Martin Luther King Celebration.

Aye: Betsy DeWitt, Nancy Daly, Jesse Mermell, Richard Benka, Kenneth Goldstein

Recognition of receipt of an Honorable Mention Award in the FEMA Individual and Community Preparedness Award by the Town's Citizen's Emergency Response Team (CERT), Medical Reserve Corps, and Emergency Management Team.

Chief O'Leary stated that the CERT team has been awarded an Honorable Mention in the 2011 FEMA Individual and Community Preparedness. The team submitted what they believe is best practice to FEMA upon their request. The CERT team detailed the events that occurred during the MWRA Water Emergency in May 2010. In a collaborative effort, this was a successful undertaking, and has been recognized nationally. Chief O'Leary praised the CERT team and thanked them for their community work.

The CERT team Officer Casy Hatchett coordinator of the CERT program, there are now 125 members. The training is required to become certified and includes first aid CPR, fire there are regular training sessions they run a program for hand radio operators. They are working on inspiring members with those in the community that make require additional assistance in the event of an emergency. There are no specific requirements but need to commit to the training program.

The Medical Reserve Corps Dawn Sibilor stated that this group includes both those in the medical field and those who are not, and the time commitment is up to the individual. Training is ongoing throughout the year. They work on the shelters and immunizations, and preparedness.

The Board noted that the Town could not run without all the citizens and volunteers that come together in the event of a crisis. To be recognized nationally is a great honor to the Town. The Board is proud to have volunteers willing to take care of the community especially those who need the help the most.

Question of accepting a grant in the amount of \$4,950.00 from the State's Executive Officer of Public Safety and Security to be used to fund three separate traffic enforcement mobilizations to deal with traffic related problems.

Chief O'Leary stated that on a regular basis they apply for this grant. This grant allowed them to apply for three mobilizations at \$1,650 each. The grants will cover traffic enforcement mobilizations.

Voted to approve 19. Question of accepting a grant in the amount of \$4,950.00 from the State's Executive Officer of Public Safety and Security to be used to fund three separate traffic enforcement mobilizations to deal with traffic related problems.

Aye: Betsy DeWitt, Nancy Daly, Jesse Mermell, Richard Benka, Kenneth Goldstein

Question of accepting \$8,271,409 from the MWRA for the lower Beacon Street Sewer Separation Project.

a. Question of approving Amendment #9 to Contract PW/07-03 "Sewer Separation Design Contract in the amount of \$830,246.00. Said amendment to be funded from account 4995SW54 524003 (Sewer Separation).

Director of Engineering Peter Ditto stated that of the \$8,271,409,

The outbound by Beacon Street will be paved by January. There is some clean up and maintenance work that needs to be done in the area. In the location of the Busy Bee Restaurant in the Spring 5 locations will be reconnected sewer connections. The sidewalk will be dug up but not as much as they have been. Selectman Benka asked if there will be accommodations for pedestrians. Mr. Ditto stated that they will barricade off an area for them to walk through, with a police detail to provide escorting if needed. The schedule shows completion in January 2013, he anticipates it to be completed sooner. On the outbound side a new storm drain and sanitary sewer will be going in. This is the next block up, at Monmouth and Carlton the new pipe will be connected. This will be extensive excavation to get this structure in. East of Carlton Street is substantially complete. The pipe there needs to be tied in.

TA Klecker stated that he is looking to go out into the neighborhood with other municipal officials to try to answer any questions that they can; not only about the sewer project but other major impacts that are occurring in that area.

Voted to approve 20. Question of accepting \$8,271,409 from the MWRA for the lower Beacon Street Sewer Separation Project.

a. Question of approving Amendment #9 to Contract PW/07-03 "Sewer Separation Design Contract in the amount of \$830,246.00. Said amendment to be funded from account 4995SW54 524003 (Sewer Separation).

Aye: Betsy DeWitt, Nancy Daly, Jesse Mermell, Richard Benka, Kenneth Goldstein

Question of approving the following Extra Work Orders for work to be performed by G&R Construction in connection with the Runkle School Building Project. Said work orders to be funded from account 2594C165 6C0002:

<u>Change Order #19</u>	<u>\$49,297.00</u>
<u>Change Order #20</u>	<u>\$46,744.00</u>
<u>Change Order #21</u>	<u>\$38,484.00</u>
<u>Change Order #22</u>	<u>\$39,354.00</u>

Tony Guilgi Selectman Daly stated that this project continues to present some difficulties due to unforeseen materials. Tony stated that the change orders include

modify lintel on column line "n", de-lead steel beams and various ACM removals, and provide 2 openings in the masonry wall on column line 2.

Selectman Goldstein wanted to know why a lot of these change orders did not show up in the original drawings. This is a concern. Mr. Guilgli stated that he is not ready to go into detail about this complex issue. Selectman Daly Chairman DeWitt added that this is time sensitive and need to be fixed in order for the project to move forward, Ken not acquiescence to the change themselves. Benka these are for the contractor and the subcontractor the contractor is bidding what is on the drawings he shares Ken's concerns. The Town should be reserving their rights to not only modifications like this but also rooftop units. These change orders are directed to the contractors and not the architect. He suggested that Town Counsel review this. Jesse added that approving these change orders will not hinder any. Tony building commission expressed the same concerns but he does not want to discuss the merits of this they need careful investigations this is a difficult project if approved tonight we are at 4% change orders and still within our contingency. see vote on paper from Ken

Voted to approve 21. Question of approving the following Extra Work Orders for work to be performed by G&R Construction in connection with the Runkle School Building Project. Said work orders to be funded from account 2594C165 6C0002:

Change Order #19	\$49,297.00
Change Order #20	\$46,744.00
Change Order #21	\$38,484.00
Change Order #22	\$39,354.00

Aye: Betsy DeWitt, Nancy Daly, Jesse Mermell, Richard Benka, Kenneth Goldstein

[Question of approving the request of Bombay Bistro, Inc. d/b/a Rani, Samir S. Majmudar, Manager, holder of an All Kinds of Alcoholic Beverages license as a Common Victualler at 1353 Beacon Street for extension of closing hours on New Year's eve from 11pm to 1am.](#)

Voted to approve 22. Question of approving the request of Bombay Bistro, Inc. d/b/a Rani, Samir S. Majmudar, Manager, holder of an All Kinds of Alcoholic Beverages license as a Common Victualler at 1353 Beacon Street for extension of closing hours on New Year's eve from 11pm to 1am.

Aye: Betsy DeWitt, Nancy Daly, Jesse Mermell, Richard Benka, Kenneth Goldstein

[Question of granting a Permit to serve alcoholic beverages \(no-sale\) to Larz Anderson Auto Museum in connection with the following events to be held at 15 Newton Street:](#)

January 9th Employee Appreciation Party
5:30pm - 11pm

January 14th Annual Museum Winter Party
5:30pm - 11pm

January 28th 75th Birthday Party
5:30PM - 11PM

Voted to approve 23. Question of granting a Permit to serve alcoholic beverages (no-sale) to Larz Anderson Auto Museum in connection with the following events to be held at 15 Newton Street:

January 9th Employee Appreciation Party

5:30pm -11pm

January 14th Annual Museum Winter Party
5:30pm-11pm

January 28th 75th Birthday Party
5:30PM-11PM

Aye: Betsy DeWitt, Nancy Daly, Jesse Mermell, Richard Benka, Kenneth Goldstein

[Question of approving and executing a contract with HMFH Architects, Inc. in the amount of \\$100,000 in connection with the Devotion School Concept Study. Said Contract to be funded from 2507K044 6B0106.](#)

Tony statd that thii contract was the top ranked firm bt a committe of 7. to look at in a very braid sense some of the options to either renovate or replace the building and to map out some strategies on how to map out the student situation. Betsy very important for us to be prepared to provide additioanl classforroms and satisfy state quailifications for funding. Mel importnat to allow deciaon makers to hone in and address the enrollment crunch, and to incorpoate looking at the entire site in orde rto keep the scholl going while renovations are going on there are a number of issues involved here, all interested groups will be involved in the porocess. Dick looks as though the original idea is to ocmpare two options one a single pahase off site and another one phasing it with some studnets being off site, but added constucting a new building and tearing down teh existing buildingm this is tacked on it goes on with the original concept. It does not incorporate all the scenrios . He is ocncerns about the language of the letter agreemtn to incoprate the third option. Betsy the architech know what is expected they could add something

Voted to approve 24. Question of approving and executing a contract with HMFH Architects, Inc. in the amount of \$100,000 in connection with the Devotion School Concept Study. Said Contract to be funded from 2507K044 6B0106.

Aye: Betsy DeWitt, Nancy Daly, Jesse Mermell, Richard Benka, Kenneth Goldstein

[Question of approving and executing a Contract Amendment in the amount of \\$2,750.00 with Kaestle Boos. Associates in connection with the Pierce School Auditorium Renovations. Said amendment to be funded from account 2512K038 6B0091.](#)

Voted to approve 25. Question of approving and executing a Contract Amendment in the amount of \$2,750.00 with Kaestle Boos. Associates in connection with the Pierce School Auditorium Renovations. Said amendment to be funded from account 2512K038 6B0091.

Aye: Betsy DeWitt, Nancy Daly, Jesse Mermell, Richard Benka, Kenneth Goldstein

[Question of approving Change Order #1 in the amount of \\$3,315.00 \(credit\) in connection with the Old Lincoln School Roof Repairs. Said amendment to be credit to account 2594C165 6C0002.](#)

Voted to approve 26. Question of approving Change Order #1 in the amount of \$3,315.00 (credit) in connection with the Old Lincoln School Roof Repairs. Said amendment to be credit to account 2594C165 6C0002.

Aye: Betsy DeWitt, Nancy Daly, Jesse Mermell, Richard Benka, Kenneth Goldstein

[Question of approving and executing a Contract with Felix A. Marino, Inc., in the amount of \\$24,995.00 for the installation of crosswalks at the intersection of Harvard and Beacon Streets. Said contract to be funded from account 4911K058 6H0026 \(Street Rehab\)](#)

peter stated that they were at the understanding that they could pay this directly. The work has already been performed. Dick pleased that a report on the different options on this interesting experiment.

Voted to approve 27. Question of approving and executing a Contract with Felix A. Marino, Inc., in the amount of \$24,995.00 for the installation of crosswalks at the intersection of Harvard and Beacon Streets. Said contract to be funded from account 4911K058 6H0026 (Street Rehab)

Aye: Betsy DeWitt, Nancy Daly, Jesse Mermell, Richard Benka, Kenneth Goldstein